City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive October 27, 2010

Mayor Matti Herrera Bower Vice-Mayor Jorge Exposito Commissioner Michael Góngora Commissioner Jerry Libbin Commissioner Edward L. Tobin Commissioner Deede Weithorn Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez City Attorney Jose Smith City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

An Ordinance Amending Miami Beach City Code, Chapter 90, Entitled "Solid Waste," By Amending Appendix A To Section 90-137(a) Entitled "Fee Schedule" For City Collection And Disposal Of Garbage And Trash, And Decreasing The Current Rates By \$1.58; Providing For Repealer, Severability, Codification, And An Effective Date. 10:15 a.m. Second Reading Public Hearing (Page 205)

(Public Works) (First Reading on September 20, 2010)

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property", By Amending Article VI, Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials", By Amending Section 82-501(C)(1) - (3) Thereof, To Provide That The New World Symphony Leased Premises, As Same Are Described In The Lease Agreement Between The City And New World Symphony (NWS Or Tenant), Dated January 15, 2004, And Including The NWS Building And Other Tenant Improvements (As Defined In The Lease), But Not Including The City Park (Currently Referred To As "Lincoln Park"), The City Garage (Currently Referred To As The Pennsylvania Avenue Garage), And/Or Any Other City-Owned Buildings, Structures, Furnishings, Fixtures, Improvements, Streets, Sidewalks, And Rights Of Way Associated With The Development Of The NWS Project, Shall Be Exempt From The Provisions Of Said Article VI, Subject To The Terms Contained In This Ordinance; Providing For Repealer, Severability, Codification And Effective Date. 10:20 a.m. Second Reading Public Hearing (Page 211)

(Requested by Commissioner Jonah Wolfson) (First Reading on September 15, 2010)

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property", By Amending Article VI, Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials", By Amending Section 82-501(C)(1) – (3) Thereof, To Provide That The City-Owned Park, Currently Referred To As "Lincoln Park," Shall Be Exempt From The Provisions Of Said Article VI, Subject To The Terms Contained In This Ordinance; Providing For Repealer, Severability, Codification And Effective Date. 10:20 a.m. Second Reading Public Hearing (Page 221)

(Requested by Commissioner Jonah Wolfson) (First Reading on September 15, 2010)

R5D1 Amend FLUM - 1600 Lenox Avenue

An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Parcel Known As "1600 Lenox Avenue," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current RM-1, "Multi-Family, Low Intensity," To The Future Land Use Category Of CD-1, "Commercial, Low Intensity;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date. 10:30 a.m. First And Only Reading Public Hearing (Page 229)

(Planning Department)

R5D2 Amend Zoning District Map - 1600 Lenox Avenue

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The For The Parcel Known As "1600 Lenox Avenue," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current Zoning Classification RM-1, "Residential Multifamily Low Intensity," To The Proposed Zoning Classification CD-1, "Commercial, Low Intensity," With A Restriction Limiting The Property To Commercial Uses And No More Than 10 Residential Units Per Acre As Provided For In The Voluntary Covenant; Providing For Codification, Repealer, Severability And An Effective Date. 10:30 a.m. First And Only Reading Public Hearing (Page 241)

(Planning Department)

R5E An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2009-2012 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, IAFF Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8; Amending Section 65 Entitled "Computation Of Creditable Service; Service Record", Providing For The Purchase Of Additional Creditable Service Upon Completion Of Ten Years Of Service With The City: Amending Section 66 Entitled "Service And Disability Benefits Generally," Providing For The Inclusion Of Compensation For Certain Off Duty Services In A Member's Salary For Pension Purposes, And Providing For The Sale Of Unused Sick And/Or Vacation Time For Inclusion In A Member's Final Average Monthly Earnings, Subject To Certain Limitations; Revising The Limitation On Overtime Pay Included In Salary For Pension Purposes; Amending Section 67, Entitled "Cost-Of-Living Adjustment", Providing For An Annual Adjustment On The Anniversary Date Of A Member's Retirement Or Separation From Employment; "Amending Section 79 Entitled "Deferred Retirement Option Plan", Providing For A Maximum Drop Period Of Sixty Months And A Modified Cost Of Living Adjustment During The Drop Period; Creating A New Section 87 Entitled "Benefits For Employees Hired On Or After July 14, 2010"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. 11:00 a.m. Second Reading Public Hearing (Page 257)

> (Human Resources) (Continued from September 20, 2010)

R5F 10-Year Water Supply Facilities Work Plan

An Ordinance Adopting A 10-Year Water Supply Facilities Work Plan And Amending The City's Comprehensive Plan To Strengthen Coordination Between Water Supply And Local Land Use Planning As Required By Florida Law; Providing For Repealer, Severability, Codification And An Effective Date. **11:30 a.m. Second Reading Public Hearing** (Page 283)

(Planning Department)
(First Reading on July 14, 2010)

An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(1), "Historic Preservation Sites (HPS)" By Designating The Miami Beach Rod & Reel Club At 218 South Hibiscus Drive, As An Historic Site, As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The Miami Beach Rod & Reel Club Historic Site; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date.

<u>5:15 p.m. First And Only Reading Public Hearing</u> (Page 329) (Planning Department)

(Planning Department) (Continued from September 15, 2010)

An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," By Amending Article III Thereof, Entitled "Litter," By Amending Section 46-92 To Clarify And Provide For Additional Prohibitions And Definitions For Litter With Regard To Leaf Blowers And Yard Maintenance Debris, And Clarifying Penalties For Certain Litter Violations; Providing For Repealer; Severability; Codification; And An Effective Date. First Reading (Page 347) (Public Works)

R5I Bed and Breakfast Inns

An Ordinance Amending The Code Of The City Of Miami Beach Code, By Amending Chapter 142, Zoning Districts And Regulations, Article V, Specialized Use Regulations, Division 7, Bed And Breakfast Inns, Section 142-1401, Conditions For Bed And Breakfast Inns, By Modifying The Conditions For Bed And Breakfast Inns To Widen The Eligibility For Alterations; Providing For Repealer; Codification; Severability; And An Effective Date. First Reading (Page 357) (Planning Department)

R5J Use of Consultants For Development Approval

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article 1, "In General," Section 118-6, "Use Of, And Cost Recovery For, Consultants For Applications For Development Approval," By Specifying Requirements For Reports To Be In Writing, To Be Submitted By A Specified Deadline, And For The Author Of Said Reports To Be Present At Public Hearing; Providing For Repealer; Codification; Severability; And An Effective Date. **First Reading** (Page 365)

(Planning Department)

R5K 40th Street Religious Overlay District

An Ordinance Amending The City Code, By Amending Chapter 114 Of The City Code, "Zoning Districts And Regulations," Section 114-1, "Definitions," Defining "Religious Institution"; Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8, "40th Street Overlay," And By Adding Sections 142-858 "Location And Purpose," 142-859 "Compliance With Regulations," Requiring Conditional Use Approval For Religious Institutions In The 40th Street Overlay District, And 142-860 "Off-Street Parking Regulations;" And Amending Article II, "District Regulations," Division 2 "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," Section 142-103 "Conditional Uses," To Add Religious Institutions As A Conditional Use For Properties In The 40th Street Overlay District; And Amending Article IV, "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations," Section 142-1131(D) "Generally," To Exempt Properties In The 40th Street Overlay District From Additional 50 Feet Minimum Side Yard Requirement For Public And Semi-Public Buildings; And Amending Chapter 118 Of The City Code, "Administration And Review Procedures," Article IV, "Conditional Use Procedures," Section 118-192, "Review Guidelines," To Add Review Criteria For Religious Institutions; Providing For Codification; Repealer; Severability; And An Effective Date.

First Reading (Page 373)

(Planning Department)

R5L Alcoholic Beverages And Nudity Regulations - Applicant: Leroy Griffith

An Ordinance Amending Chapter 6, "Alcoholic Beverages," Of The Code Of The City Of Miami Beach, Florida, By Amending Sections 6-40 And 6-41 "Total Nudity And Sexual Conduct Prohibited," And "Provisions Pertaining To Establishments Permitting Partial Or Total Nudity," To Allow Establishments Licensed As Alcoholic Beverage Establishments To Offer Partial And Total Nude Adult Entertainment; Providing For Codification, Repealer, Nonseverability, And An Effective Date. First Reading (Page 387)

(Planning Department)

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, "Traffic And Vehicles," Article V, "Police Vehicle Towing," Division 2, "Permit," Section 106-213, "Application," To Reduce The Number Of Police Vehicle Towing Permits From Three To Two, Providing For Codification, Repealer, Severability And An Effective Date. First Reading (Page 493)

(Parking Department)

R5N An Ordinance Amending The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2009-2012 Collective Bargaining Agreement Between The City And The Communications Workers Of America, Local 3178 (CWA), Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. First Reading (Page 499)

(Human Resources)

And Section 14-33, Pertaining To Violations, Penalty For Delinquency And Payment Of Fees; And Providing For Severability, Repealer, Codification, And An Effective Date. **First Reading** (Page 525)

(Building Department)

(Memorandum & Resolution To Be Submitted In Supplemental)

R5P An Ordinance Amending Chapter 14 Of The City Code To Reinsert Section 14-32 And Sections 14-34 Through 14-38, Pertaining To Temporary Certificates Of Occupancy, Suspension Or Revocation Of Certificates Of Use, Rule Making Authority, Emergency Action, Administrative Hearings And Enforcement Of Orders; And Providing For Severability, Repealer, Codification, And An Effective Date. **First Reading** (Page 527)

(Building Department)

(Memorandum & Resolution To Be Submitted In Supplemental)

R7 - Resolutions

A Resolution Approving, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And United Police Federal Credit Union, For Use Of Approximately 196 Square Feet Of City-Owned Property, Located At 1100 Washington Avenue, Rooms 110 And 111, Miami Beach, Florida; Said Lease Having An Initial Term Of Three (3) Years, With One Additional Three (3) Year Renewal Term, At The City's Sole Discretion; Further Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, As Required By Section 82-39 Of The Miami Beach City Code; Authorizing The Mayor And City Clerk To Executed The Lease Agreement. 10:45 a.m. Public Hearing (Page 531)

(Real Estate, Housing & Community Development)

R7 - Resolutions (Continued)

A Resolution Ratifying A Three (3) Year Labor Agreement Between The City Of Miami Beach And The Communications Workers of America, Local 3178 (CWA), For The Period From October 1, 2009 Through September 30, 2012; Authorizing The Mayor And City Clerk To Execute The Agreement. (Page 575)

(Human Resources)

A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Pursuant To Request For Proposals (RFP) No. 24-09/10, For Management And/Or Development Of The Byron Carlyle Theater Complex; Authorizing The Administration To Enter Into Negotiations With Broward Stage Door Theatre Co. Inc. (Page 671)

(Tourism & Cultural Development)

R9 - New Business and Commission Requests

R9A Board And Committee Appointments. (Page 687) (City Clerk's Office)

R9A1 Board And Committee Appointments - City Commission Appointments. (Page 693) (City Clerk's Office)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.) (Page 699)

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Discussion Regarding The Most Recent Report Of The Fire & Police Pension And General Pension. (Page 701)

(Requested by Commissioner Jonah Wolfson)
(Report To Be Submitted Via LTC No. 282-2010)

- R9D Discussion Regarding The Shift To iPad From Printed Agenda. (Page 703) (Requested by Commissioner Jorge R. Exposito)
- R9E Discussion Regarding The Port Of Miami Tunnel Project. (Page 705) (Requested by Commissioner Jorge R. Exposito)
- R9F Discussion Regarding Revenue Generating Opportunities / Miami Air Show. (Page 735) (Requested by Commissioner Jorge R. Exposito)

R9 - New Business and Commission Requests (Continued)

R9G Discussion On Whether Or Not To Require Re-Certification Of The Original Petition, As Approved By The City Commission On February 20, 2002, Pursuant To Resolution No. 2002-24761, Which Authorized The Administration And City Attorney's Office To Proceed To Work With The Residents Of Sunset Island Nos. 3 And 4 On The Creation Of A Special Assessment District For Underground Utilities. (Page 737)

(City Attorney's Office)

R9H Discussion Regarding Altos Del Mar Sculpture Park. (Page 755) (Requested by Commissioner Jonah Wolfson)

R9I Discussion Regarding A Resolution Urging The United States Congress To Reject Any Weight And Length Increases For Commercial Trucks And Trailers On The National Highway System. (Page 759)

(Requested by Commissioner Deede Weithorn)

Reports and Informational Items

Reports and Informational Items (see LTC # 279-2010)

End of Regular Agenda